

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DAVID SCRIP,)
Plaintiff,)
)
vs.) Civil Action No. 14-1215
) Judge Terrence F. McVerry/
) Chief Magistrate Judge Maureen P. Kelly
DEBBIE O'DELL SENECA *in her*)
individual capacity as President Judge of)
the Court of Common Pleas of Washington)
County; THOMAS JESS in his official and)
individual capacity as both Director of)
Probation Services and Deputy Court)
Administrator of the Court of Common)
Pleas of Washington County; DANIEL)
CLEMENTS in his official and individual)
capacity as Director of the Washington)
County Juvenile Probation Office/Chief)
Probation Officer; and COUNTY OF) Re: ECF Nos. 5, 7
WASHINGTON,)
Defendants.)

ORDER

AND NOW, this 4th day of June, 2015, after Plaintiff David Script filed an action in the above-captioned case, and after a Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6) was filed by Defendants Thomas Jess, Daniel Clements and the County of Washington, and a Motion to Dismiss the Complaint and to Strike Impertinent and Scandalous Allegations was filed on behalf of Defendant Debbie O'Dell Seneca, and after a Report and Recommendation was filed by the Chief United States Magistrate Judge giving the parties until May 26, 2015 to file written objections thereto, and upon consideration of the objections filed by Plaintiff and the response to the objections submitted by Defendants Jess, Clements and the County, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the Opinion of this Court,

IT IS HEREBY ORDERED that the Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6), ECF No. 5, filed by Defendants Jess, Clements and the County, and the Motion to Dismiss the Complaint and to Strike Impertinent and Scandalous Allegations filed on behalf of Defendant O'Dell Seneca, ECF No. 7, are **GRANTED** with respect to Plaintiff's federal law claims for violations of Title VII and the First Amendment brought at Counts III and VI of the Complaint. The Motions are also **GRANTED** with respect to Plaintiff's state law claims brought under the PHRA at Counts IV and V, as Plaintiff has conceded those claims. **IT IS FURTHER ORDERED** that Plaintiff's remaining state law claims for violations of the Pennsylvania Whistleblower Law and the exception to Pennsylvania's at-will employment doctrine brought at Counts I and II of the Complaint, as well as the issue of whether certain portions of Plaintiff's Complaint should be stricken, are remanded to the Pennsylvania Court of Common Pleas of Washington County.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if any party wishes to appeal from this Order a notice of appeal, as provided in Fed. R. App. P. 3, must be filed with the Clerk of Court, United States District Court, at 700 Grant Street, Room 3110, Pittsburgh, PA 15219, within thirty (30) days.

By the Court:

/s/ Terrence F. McVerry
Terrence F. McVerry
United States District Judge

cc: Honorable Maureen P. Kelly
Chief United States Magistrate Judge

All Counsel of Record Via CM-ECF